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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/500,622      | 07/01/2004  | Dale Barrett         | OT-4919             | 3000             |

7590 06/29/2006  
Thomas H Osborn  
Otis Elevator Company  
Intellectual Property Department  
10 Farm Springs  
Farmington, CT 06032

EXAMINER

KRUER, STEFAN

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3654

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/500,622

Applicant(s)

BARRETT ET AL.

Examiner

Stefan Krueer

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 - 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1 July 2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1 – 3, 9 - 11** are rejected under 35 U.S.C. 102(b) as being anticipated by O'Donnell et al (6,123,176).

**Re: Claims 1 and 9**, O'Donnell et al disclose:

- A measuring apparatus (62) for measuring the load of an elevator including a car (18) suspended by a tension members (22),
- A termination (52) at one end of each tension member,
- A mounting plate (48) for attaching the terminations relative the hoistway (Col.5, Line 14),
- A hitch (34) for attaching each termination to the mounting plate,
- A load cell (56) for each termination alternatively positioned between the hitch and mounting plate (Col. 5, Line 1),
- Wherein the load cell defines a hole for allowing the associated termination to pass there through,
- And each load cell generates a signal proportional to the load.

**Re: Claims 2 and 10**, O'Donnell et al disclose their load cells as having an annular shape.

**Re: Claims 3 and 11**, O'Donnell et al disclose a self-aligning washer (58) to maintain the hitch in a position normal to the load cell.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 5 - 8 and 13 - 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Donnell et al (6,123,176) in view of Ando (6,435,316).

O'Donnell et al disclose the viability of their measuring apparatus with a "...dead-end hitch...", as reviewed in Claim 1, he is silent as to the mounting means of their measuring apparatus in such an installation as well as to the use of guide rails.

Attention is directed to Ando who teaches his dead-end hitch (19) fixed to his guide rails (31) by means of his support columns (33), whereby the moment arm generated by the cantilevered mounting means are supported by the support column.

It would have been obvious to one of ordinary skill in the art to modify the invention of O'Donnell et al with the teaching of Ando to define the alternative mounting means of O'Donnell et al with the support capabilities afforded by the structure of the guide rails and, specifically, their support columns.

**Re: Claims 6 – 7 and 14 - 15**, Ando teaches his beam (33) located at the top of his hoistway, whereby his hoistway is defined by an elevator shaft and wherein the mounting plate is attached to the beam, for benefit of isolating the moment arm from the guide rails.

**Re: Claims 8 and 16**, Ando teaches his termination (19) attached to the beam.

**Claims 4 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Donnell et al (6,123,176) in view of Stainken (3,610,342).

O'Donnell et al disclose their washer as "... providing a seat..."; however, their washer is not of a spherical form.

Attention is directed to Stainken who teaches his washer (92, Fig. 9) having spherical form to minimize "...unwanted bending moments..." within his load weighing apparatus for elevators (Col. 5, Line 18).

It would have been obvious to one of ordinary skill in the art to modify the invention of O'Donnell et al with the teaching of Stainken to minimize the bending moments to the load sensing device for benefit of optimizing the performance of the sensor as well as guarding its structural integrity.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shon (6,315,084) and Hass et al (5,735,497) are cited for reference of a measuring apparatus having a load sensor positioned between the hitch and mounting plate and a self-leveling mount incorporating a self-aligning washer of spherical form to minimize any offset in the center of gravity of a suspended component.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Kruer whose telephone number is 571.272.5913. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 571.272.6951. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Art Unit: 3654

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866.217.9197 (toll-free).

SHK

26 June 2006



**KATHY MATECKI**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**